

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLENN JOHNSON,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

1:23-CV-5279 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently held in the Vernon C. Bain Center, brings the present *pro se* action asserting claims of violations of his federal constitutional rights, as well as claims under state law. For the following reasons, the Court dismisses the present action without prejudice.

Plaintiff has submitted to this court a complaint that is identical to the one commencing the present action; the action commenced by that identical complaint is pending before the Honorable Vernon S. Broderick of this court, under docket number 1:23-CV-5264 (VSB). Because the present complaint raises the same claims, no useful purpose would be served by litigating the present duplicative lawsuit. The Court therefore dismisses the present action without prejudice to Plaintiff's pending action under docket number 1:23-CV-5264 (VSB).

In light of the Court's belief that Plaintiff may have submitted the present duplicative action in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust fund account for this action.

CONCLUSOIN

The Court dismisses this action without prejudice as duplicative of *Johnson v. City of New York*, 1:23-CV-5264 (VSB) (S.D.N.Y.).

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for the present action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court also directs the Clerk of Court to enter judgment for this action, and to send copies of this order and the judgment to Plaintiff and to the Warden of the Vernon C. Bain Center, at 1 Halleck Street, Bronx, New York 10474.

SO ORDERED.

Dated: July 24, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge